

EXHIBIT A

ENC 200 950

FILED
HARDIN COUNTY COMMON
PLEAS COURT
Aug 12, 2022 at 12:27:03 PM
STEFANI C. EPLING, CLERK

HARDIN COUNTY COMMON PLEAS COURT

Sauber, Ethel M
10623 Co Rd 106
Kenton, Oh 43326

Plaintiff (s)

vs

SUMMONS RULE (4)

Evans Delivery Company Inc
100 West Columbia St
Schuylkill Haven, Pa 17972

Case No: 20221109CVC

Defendant(s)

To the above named Defendant:

You are hereby summoned that a complaint (copy of which is hereto attached and made a part hereof) has been filed against you in this court by the Plaintiff named herein.

You are required to serve upon the Plaintiff's attorney or upon the Plaintiff if (he/she) has no attorney of record, a copy of your answer to the complaint within twenty-eight (28) days after the service of this summons upon you, exclusive of the date of service. Said answer must be filed with this Court within three (3) days after service on the Plaintiff's attorney.

The name and address of the Plaintiff's attorney is as follows:

Jordan R Wolfe
Triplett Mcfall & Wolfe L
332 S Main St
Bellefontaine, Oh 43311

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

Stefani C. Epling
Clerk of Courts



Stefani C. Epling

Clerk

FILED
HARDIN COUNTY COMMON
PLEAS COURT
Aug 11, 2022 at 04:04:06 PM
STEFANI C. EPLING, CLERK

IN THE COMMON PLEAS COURT OF HARDIN COUNTY, OHIO
CIVIL DIVISION

ETHEL M. SAUBER
10623 County Road 106
Kenton, OH 43326

Case No. 2022109CVC

and

Judge Scott N. Barrett

STONE M. SAUBER, A MINOR,
BY AND THROUGH HIS NATURAL MOTHER
AND NEXT FRIEND, ETHEL M. SAUBER
10623 County Road 106
Kenton, OH 43326

Plaintiffs,

v.

COMPLAINT FOR PERSONAL
INJURIES; WITH JURY
DEMAND ENDORSED HEREON

EVANS DELIVERY COMPANY, INC.
100 West Columbia Street
Schuylkill Haven, PA 17972

and

CHRISTOPHER CIESLA
17167 W. Saguaro Lane
Surprise, AZ 85388

Defendants.

Now comes Plaintiffs, by and through undersigned counsel, and based upon information and belief sets forth the following Complaint:

PARTIES AND JURISDICTION

1. At all times relevant herein, Plaintiffs resided at 10623 County Road 106 in Kenton, Hardin County, Ohio.
2. At all times relevant herein, Ethel M. Sauber is the natural mother and next friend of Stone M. Sauber, a minor child.
3. At all times relevant herein, Defendants Evans Delivery Company, Inc., and Christopher Ciesla conducted business in Hardin County, Ohio.
4. This court has both personal and subject matter jurisdiction over the parties and venue is appropriate pursuant to Civ.R. 3(C).
5. At all times relevant herein, Defendant Evans Delivery Company, Inc., was acting by and through its agents, employees, and/or representatives, including Defendant Christopher Ciesla.
6. The facts that give rise to this Complaint occurred at C.R. 106 and T.R. 125 in Kenton, Hardin County, Ohio.

=FACTS

7. On August 12, 2020, at approximately 9:45 a.m., Ethel Sauber was driving east on C.R. 106 in a black 2012 Kia Rio.
8. Stone Sauber, a minor, was riding as a front seat passenger in the 2012 Kia. Rio.
9. C.R. 106 is a two-lane road with a posted speed limit of 55 m.p.h.
10. At or about the same time, Defendant Christopher Ciesla was driving a semi-truck and trailer northbound on C.R. 115 near T.R. 125, where he approached a stop sign at the intersection of C.R. 106. The truck and trailer were owned by Defendant Evans Delivery Company, Inc., and Mr. Ciesla was in the course and scope of his employment for Evans Delivery Company Inc., at the time.

11. There is a stop sign for vehicles traveling northbound on C.R. 115, which turns into T.R. 125 at the intersection of C.R. 106.
12. There is no stop sign for traffic traveling eastbound on C.R. 106.
13. Defendant Ciesla negligently proceeded northbound through the stop sign and crossed C.R. 106 on T.R. 125.
14. At or about the same time, Plaintiffs vehicle was eastbound on C.R. 106 approaching the intersection.
15. The vehicle in which Plaintiffs were traveling struck the trailer of the truck, which was blocking the right-of-way of traffic on C.R. 106, as it attempted to cross C.R. 106.
16. Defendant Ciesla gave Plaintiff Ethel Sauber little or no time to stop or avoid colliding with the semi-truck trailer.
17. As a result of the collision, the Plaintiffs' vehicle was forcefully pushed into a utility pole off the road, and Plaintiffs were seriously injured.
18. Defendants, either jointly or severally, negligently caused the crash.
19. Defendant Ciesla recklessly, willfully and wantonly, operated the semi-truck and trailer in disregard of the safety and rights of Plaintiffs at the time of the crash.
20. As a direct and proximate result of Defendants' actions and negligent conduct in causing the crash, Plaintiffs have suffered multiple severe injuries, as well as will sustain future pain and suffering, mental and emotional distress, among other physical and mental injuries.
21. Plaintiffs have incurred medical, hospital, chiropractor, and other related expenses which have not been paid or reimbursed by the Defendants. Plaintiff Ethel Sauber has also incurred lost wages.

FIRST CLAIM: NEGLIGENCE *PER SE*

22. Plaintiffs incorporate all of the foregoing paragraphs as if they were fully restated at this point.
23. The acts and/or omissions of Defendants as described above constituted negligence *per se* for the reason that they individually and taken together violated Ohio traffic law as set forth in Revised Code §§ 4511.43, 4511.12, and 4511.20.
24. As a direct and proximate result of the negligence *per se* of Defendants, Plaintiff Ethel Sauber sustained injuries and damages which are not limited to:
 - a. Severe and permanent injuries;
 - b. Lost wages in an amount in excess of \$500.00;
 - c. Reasonable and necessary medical expenses in the amount of approximately \$41,161.40; and
 - d. Past and future pain and suffering.
25. As a direct and proximate result of the negligence *per se* of Defendants, Plaintiff Stone Sauber, a minor, sustained injuries and damages which are not limited to:
 - a. Severe and permanent injuries; and
 - b. Reasonable and necessary medical expenses in the amount of 21,443.00; and
 - c. Past and future pain and suffering.

WHEREFORE, Plaintiffs demand judgment against Defendants Evans Delivery Company, Inc., and Christopher Ciesla, jointly and severally, in the amount exceeding \$25,000.00, plus interest the costs of this action, reasonable attorney fees and expenses, and whatever further relief this court deems just and appropriate.

SECOND CLAIM: NEGLIGENCE

26. Plaintiffs incorporate all of the foregoing paragraphs as if they were fully restated at this point.
27. Defendant Ciesla negligently operated the semi-truck and trailer by failing in his duty to yield the right of way to the vehicle driven by Plaintiff Ethel Sauber, causing Plaintiffs vehicle to violently strike the trailer, and then collide with a utility pole.
28. As a direct and proximate result of the negligence of Defendants, Plaintiff Ethel Sauber sustained injuries and damages which are not limited to:
 - a. Severe and permanent injuries;
 - b. Lost wages in an amount of approximately \$500.00;
 - c. Reasonable and necessary medical expenses in the amount of approximately \$41,161.40; and
 - d. Past and future pain and suffering.
29. As a direct and proximate result of the negligence of Defendants, Plaintiff Stone Sauber, a minor, sustained injuries and damages which are not limited to:
 - a. Severe and permanent injuries; and
 - b. Reasonable and necessary medical expenses in the amount of \$21,443.00; and
 - c. Past and future pain and suffering.

WHEREFORE, Plaintiffs demand judgment against Defendants Evans Delivery Company, Inc., and Christopher Ciesla, jointly and severally, in the amount exceeding \$25,000.00, plus interest the costs of this action, reasonable attorney fees and expenses, and whatever further relief this court deems just and appropriate.

Respectfully submitted,



Jordan R. Wolfe (0093059)

Marc S. Triplett (0021222)

Tina M. McFall (0082586)

COUNSEL FOR PLAINTIFFS

Triplett, McFall & Wolfe Law, LLC

332 South Main Street

Bellefontaine, OH 43311

Phone: 937-593-6591

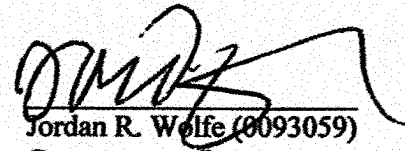
Fax: 937-593-2867

TMWLaw@tmwlawyers.com

JURY DEMAND

Plaintiffs demand a trial by jury on all claims and causes of actions set forth in this

Complaint.



Jordan R. Wolfe (0093059)

COUNSEL FOR PLAINTIFFS

COMMON PLEAS COURT, HARDIN COUNTY, OHIO

Ethel Sauber, et. al
Plaintiff/Petitioner,

vs/and

Case No. 20221109CVCEvans ~~to~~ Delivery Company, Inc., et. al
Defendant/Petitioner

DESIGNATION FORM TO BE USED IN ALL CASES

Civil Categories: Place (X) in one category only

- A. ☐ PROFESSIONAL TORT _____
 B. ☐ PRODUCT LIABILITY _____
 C. ☒ OTHER TORTS Personal injury _____
 D. ☐ WORKERS COMPENSATION _____
 E. ☐ FORECLOSURE _____
 F. ☐ ADMINISTRATIVE APPEAL _____
 H. ☐ OTHER CIVIL _____

Domestic Categories: Place (X) in one category only and fill out the check list below

- A. ☐ DIVORCE WITH CHILDREN _____
 B. ☐ DIVORCE WITHOUT CHILDREN _____
 C. ☐ DISSOLUTION OF MARRIAGE WITH CHILDREN _____
 D. ☐ DISSOLUTION OF MARRIAGE WITHOUT CHILDREN _____
 E. ☐ CHANGE OF CUSTODY _____
 F. ☐ VISITATION ENFORCEMENT/MODIFICATION _____
 G. ☐ SUPPORT ENFORCEMENT/MODIFICATION _____
 H. ☐ DOMESTIC VIOLENCE _____
 I. ☐ UIFSA _____
 J. ☐ PARENTAGE _____
 K. ☐ ALL OTHERS _____

Counsel or
Filing PartyCheck List for Domestic CasesClerk

_____	Designation Form	_____
_____	Complaint/Petition	_____
_____	IV-D Application (if children)	_____
_____	Parenting Proceeding Affidavit (if children)	_____
_____	Financial Affidavit	_____
_____	Property Affidavit	_____
_____	Insurance Affidavit (if children)	_____
_____	Separation Agreement in Dissolution	_____
_____	Pracipe or Waiver of Service if other	_____
_____	than certified mail	_____

I certify that to the best of my knowledge, the within case is not related to any pending case.

TMW Law
(Attorney of Record/Filing Party Signature)332 S. Main St., Bellefontaine, OH
Address, City, State, and Zip 43111TMWLaw @ TMWLawyers.com
Email Address(937) 626-3954
Phone Number(form modified 02/18/2016) Form can be obtained at www.hardincourts.com, Clerk of Courts link, forms

HARDIN COUNTY COMMON PLEAS COURT

Sauber, Ethel M
10623 Co Rd 106
Kenton, Oh 43326

Plaintiff(s)

vs

SUMMONS RULE (4)

Christopher Ciesla
17167 W Saguaro Lane
Surprise, Az 85388

Case No: 20221109CVC

Defendant(s)

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Jordan R Wolfe
Triplett Mcfall & Wolfe L
332 S Main St
Bellefontaine, Oh 43311

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Stefani C. Epling
Clerk of Courts



Stefani C. Epling

Clerk

ORIGIN D:\FDTJ (419) 674-2278
 HCCC
 HARDIN COUNTY CLERK OF COURTS
 ONE COURTHOUSE SQUARE
 STE 310
 KENTON, OH 43326
 UNITED STATES US

SHIP DATE: 12AUG22
 ACTWGT: 0.50 LB
 CAD: 114855421\NET14490
 BILL SENDER

TO CHRISTOPHER CIESLA

17167 W SAGUARO LANE

SURPRISE AZ 85388

(419) 674-2278 REF: 20221109CVC
 NV DEPT:



TRK# 7776 4800 3445
 0201

WED - 17 AUG 4:30P

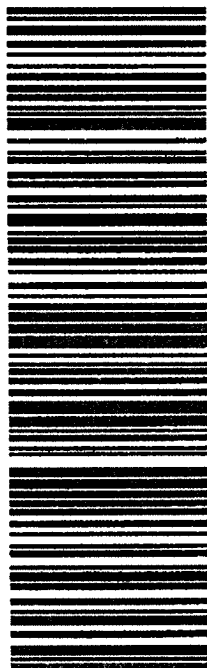
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HARDIN COUNTY COMMON PLEAS COURT

Sauber, Ethel M
10623 Co Rd 106
Kenton, Oh 43326

Plaintiff(s)

vs

SUMMONS RULE (4)

Evans Delivery Company Inc
100 West Columbia St
Schuykill Haven, Pa 17972

Case No: 20221109CVC

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Stefani C. Epling
Clerk of Courts



Stefani C. Epling

Clerk

ORIGIN D:\METJ (419) 674-2278
HCCC
HARDEN COUNTY CLERK OF COURTS
ONE COURTHOUSE SQUARE
STE 310
KENTON, OH 43326
UNITED STATES US

SHIP DATE: 12AUG22
ACTWTG: 0.50 LB
CAD: 114855427HMET4490
BILL SENDER

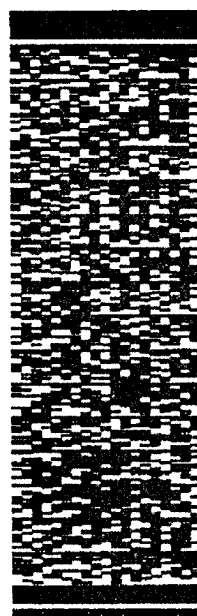
TO EVANS DELIVERY COMPANY INC

100 W COLUMBIA ST

SCHUYKILL HAVEN PA 17972

(419) 674-2278 REF: 2022109CVC
PO. DEPT:

591J2F39DFE2D



WED - 17 AUG 4:30P

EXPRESS SAVER

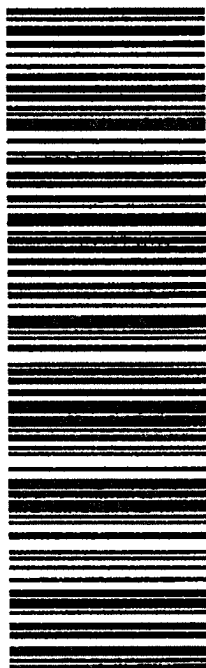
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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

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HARDIN COUNTY COMMON
PLEAS COURT

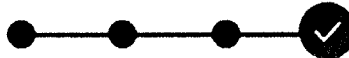
Aug 15, 2022 at 12:19:48 PM
STEFANI C. EPLING, CLERK

sepling@hardincourts.com

From: TrackingUpdates@fedex.com
Sent: Monday, August 15, 2022 11:02 AM
To: clerkofcourts@hardincourts.com
Subject: FedEx Shipment 777647977835: Your package has been delivered

The FedEx logo is displayed in white text on a dark, textured rectangular background.

Hi. Your package was
delivered Mon, 08/15/2022 at
11:01am.



Delivered to 100-110 W COLUMBIA ST, SCHUYKILL HAVEN, PA 17972
Received by E.MANNES

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER 777647977835

FROM Hardin County Clerk of Courts
ONE COURTHOUSE SQUARE
STE 310
KENTON, OH, US, 43326

TO	EVANS DELIVERY COMPANY INC 100 W COLUMBIA ST SCHUYKILL HAVEN, PA, US, 17972
REFERENCE	20221109CVC
SHIPPER REFERENCE	20221109CVC
SHIP DATE	Fri 8/12/2022 03:01 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	KENTON, OH, US, 43326
DESTINATION	SCHUYKILL HAVEN, PA, US, 17972
SPECIAL HANDLING	Deliver Weekday DSR
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
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***HARDIN COUNTY
COMMON PLEAS COURT***

*One Courthouse Square
Kenton OH 43326
(419) 674.2278*

Case No: CVC 20221109

TO: JORDAN R WOLFE

BY: EMAIL

FAILURE NOTICE OF SERVICE

IN RE: Sauber, Ethel M vs Evans Delivery Company Inc

You are hereby notified of the failure of service of SUMMONS WITH COMPLAINT

Upon: CHRISTOPHER CIESLA
17167 W SAGUARO LANE
SURPRISE AZ 85388

by **COMMERCIAL CARRIER** pursuant to Rule 4 through Rule 4.6 of Ohio rules of civil Procedure.

REASON: **INCORRECT RECIPIENT ADDRESS**

DATE: Sep 6, 2022



Stefani C. Epling
Clerk of Courts

By: Olivia Bradstock
Deputy Clerk